

WIPO



SCT/13/7

ORIGINAL: English

DATE: October 29, 2004

WORLD INTELLECTUAL PROPERTY ORGANIZATION
GENEVA

E

STANDING COMMITTEE ON THE LAW OF TRADEMARKS, INDUSTRIAL DESIGNS AND GEOGRAPHICAL INDICATIONS

Thirteenth Session
Geneva, October 25 to 29, 2004

SUMMARY BY THE CHAIR

Agenda Item 1: Opening of the Session

1. Mr. Ernesto Rubio, Assistant Director General of the World Intellectual Property Organization (WIPO), opened the session and welcomed the delegates on behalf of the Director General of WIPO.

Agenda Item 2: Adoption of the Agenda

2. The Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications (SCT) adopted the Draft Agenda (document SCT/13/1 Prov.) without modifications.

Agenda Item 3: Adoption of the Draft Report of the Twelfth Session

3. The SCT adopted the Draft Report (document SCT/12/7 Prov. 2) with modifications as requested by the Delegations of Egypt, New Zealand and the Russian Federation.

Agenda Item 4: Revision of the Trademark Law Treaty

4. Discussion was based on the following documents: SCT/13/2 (Draft Revised Trademark Law Treaty (TLT)), SCT/13/3 (Draft Revised Regulations under the Draft Revised Trademark Law Treaty), SCT/13/4 (Notes) and SCT/13/6 (Observations by the Delegation of Switzerland Concerning Document SCT/12/2 (Draft Revised Trademark Law Treaty)).

Article 1
Abbreviated Expressions

item (xxii). There was consensus on this provision subject to redrafting.

Article 2
Marks to Which the Treaty Applies

(1) [*Nature of Marks*]

The Chair concluded that there was consensus on the proposal contained in document SCT/13/6, and that the Secretariat was entrusted to prepare new wording for that provision, making it clear that the Draft Revised TLT did not oblige Contracting Parties to accept for registration marks not registrable under the applicable law. The Chair also noted that, as suggested by one delegation, there was a consequential change in Article 3(1)(a)(xii).

Article 4
Representation; Address for Service

(3) [*Power of Attorney*]

(a) There was consensus on this provision as redrafted.

Article 8
Communications

There was consensus on this Article as a whole.

Rule 6
Details Concerning Communications

- (1) [*Indications Accompanying Signature of Communications on Paper*]

There was consensus on this provision.

- (2) [*Date of Signing*]

There was consensus on this provision.

- (3) [*Signature of Communications on Paper*]

There was consensus on this provision.

- (4) [*Signature of Communications Filed by Electronic Means of Transmittal*]

There was consensus on this provision subject to redrafting.

- (5) [*Original of a Communication Filed by Electronic Means of Transmittal*]

There was consensus on this provision subject to redrafting.

- (6) [*Authentication of Communications in Electronic Form*]

There was consensus on this provision.

- (7) [*Notification*]

It was decided to move this provision to Article 22 subject to redrafting.

- (8) [*Sanctions for Non-Compliance with Requirements*]

There was consensus on this provision.

Article 22
Observations in Case of Intended Refusal

There was consensus to redraft this provision in conjunction with Rule 6(7), which should be moved from the Regulations to the Treaty.

Rule 5
Details Concerning Filing Date

(4) [*Electronic Filing*]

There was consensus on this provision.

Article 14
Measures in Case of Failure to Comply with Time Limits

(1) [*Extension of Time Limits*]

(2) [*Continued Processing*]

(3) [*Reinstatement of Rights*]

The Chair concluded that the SCT had reached agreement on the text of Article 14(1) to (3), subject to minor drafting changes in paragraphs (2) and (3), as far as a reference to the corresponding Rule was concerned. The Chair also noted that even though the Committee had accepted the current draft as agreed text, it was left to the Secretariat to reflect on this text with a view to present to the Committee at the next session improved wording for that draft without any changes as to its substance.

This second draft of Article 14(1) to (3) could be discussed at the fourteenth session of the SCT, it being understood that if that draft would not meet the consensus of the Committee, the text as agreed at this session would remain.

(4) [*Exceptions*]

There was consensus on this provision.

(5) [*Fees*]

There was consensus on this provision.

(6) [*Prohibition of Other Requirements*]

There was consensus on this provision

Rule 9
Requirements Relating to Measures in Case of Failure to Comply with Time Limits

(1) [*Requirements Concerning Extension of Time Limits Under Article 14(1)*]

There was consensus on this provision subject to redrafting.

(2) [*Requirements Concerning Continued Processing Under Article 14(2)*]

There was consensus on this provision subject to redrafting.

(3) [*Requirements Concerning Reinstatement of Rights Under Article 14(3)*]

There was consensus on this provision subject to redrafting.

(4) [*Exceptions Under Article 14(4)*]

item (i). This provision was left open for further discussion.

items (ii) to (v). There was consensus on these provisions.

item (vi). There was consensus on this provision subject to redrafting.

item (vii). There was consensus on this provision.

Articles 10 to 12

It was agreed to introduce amendments to these provisions that became necessary as a result of the horizontal effect of Article 8.

Article 13
Duration and Renewal of Registration

There was consensus on this provision, subject to omission in paragraph (2)(ii) of the words “except where Article 3(4)(iv) applies” and to any consequential change.

Article 17
Request for Recordal of a License

(1) [*Contents of the Request for Recordal*]

There was consensus on this provision subject to redrafting.

(2) [*Fees*]

(3) [*Single Request Relating to Several Registrations*]

There was consensus on these provisions.

(4) [*Prohibition of Other Requirements*]

The Chair noted that a number of delegations had made reservations to this provision.

The Chair concluded that the substance of Note 17.06 would be moved to Article 17.

(5) [*Evidence*]

There was consensus on this provision subject to redrafting.

(6) [*Requests Relating to Applications*]

There was consensus on this provision.

Article 18

Request for Amendment or Cancellation of the Recordal of a License

(1) [*Contents of the Request*]

There was consensus on this provision subject to redrafting.

(2) [*Other Requirements*]

There was consensus on this provision.

Rule 10

Contents of the Request for Recordal of a License or for Amendment or Cancellation
of the Recordal of a License

(1) [*Contents of Request*]

There was consensus on this provision subject to redrafting of item (xi).

(2) [*Supporting Documents for License*]

This provision was left open for further discussion.

(3) [*Supporting Documents for Amendment or Cancellation*]

There was consensus on this provision subject to redrafting.

Article 19

Effects of Non-Recordal of a License

(1) [*Validity of the Registration and Protection of the Mark*]

There was consensus on this provision.

(2) [*Certain Rights of the Licensee*]

There was consensus on this provision.

Article 20
Use of a Mark on Behalf of the Holder

There was consensus on this provision subject to redrafting.

Article 21
Indication of the License

There was consensus on this provision.

Article 23
Regulations

There was consensus on this provision.

Article 24
Assembly

There was consensus on this provision subject to possible changes to paragraph (2)(ii).

Article 25
International Bureau

There was consensus on this provision.

Article 26
Revision and Amendment

There was consensus on this provision subject to possible changes to the structure of paragraph (2)(c).

Article 27
Becoming Party to the Treaty

There was consensus on this provision.

Article 28
Application of the TLT 1994 and this Treaty

This provision was left open for further discussion.

Article 29
Entry into Force; Effective Date of Ratifications and Accessions

There was consensus on paragraphs (1) to (3). Paragraph (4) would be reproduced in the next draft as is.

Article 30
Reservations

There was consensus on this provision.

Article 31
Denunciation of the Treaty

There was consensus on this provision.

Article 32
Languages of the Treaty

There was consensus on this provision.

Article 33
Depositary

There was consensus on this provision.

Agenda Item 5: Questionnaire on Trademark Law and Practice

5. The Committee took note of the status report presented by the Secretariat concerning the preparation of a Summary of Replies to the Questionnaire on Trademark Law and Practice (document SCT/11/6). The Committee thanked the Secretariat for the effort put in the preparation of the summary.

Agenda Item 6: Internet Domain Names and Geographical Indications

6. There was consensus that this item will be kept in the mid-term agenda of the SCT.

Agenda Item 7: Future Work

7. The SCT decided that it would devote enough time to finalize the draft for a revised TLT and its Regulations, at its fourteenth session. It further decided that the remaining time, if any, would be devoted to consideration of the summary of replies to the questionnaire on trademark law and practice and to future work.

[End of document]